

REMARKS

Claims 1-20 are presently pending. Claims 1-20 have been rejected. No claims have been allowed. No claims have been amended canceled or added herein.

I. Claim Rejections under 35 U.S.C. § 103

Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,108,605 to LeMay, et al. (“LeMay”) alone. In particular, the Office Action states, “Regarding claim 1, LeMay et al. discloses a . . . read only custodial file . . . [having] a substantial identical portion of the configuration file.” Applicants respectfully traverse for at least the reasons provided below.

A. Inappropriate Reference

Applicants initially submit that LeMay is inappropriate for use as a prior art reference for purposes of the pending obviousness rejections. 35 U.S.C. § 103(c)(1) states:

Subject matter developed by another person, which qualifies as prior art only under one or more subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Applicants note that the Office Action does not state what subsection of § 102 has been relied upon for the pending § 103 rejections. It is worth noting, however, that the present case was filed on July 16, 2003, while LeMay was filed on September 30, 2002 and then published on April 1, 2004. Accordingly, it would appear that § 102(e) was relied upon in making the pending rejections in this case, such that § 103(c)(1) would apply here.

Applicants note that all inventors from both cases had a duty to assign to common assignee IGT at the time of invention, and that both cases have indeed been assigned to IGT. Accordingly, Applicants respectfully request withdrawal of LeMay as prior art to this case.

B. All Claim Elements Not Found In Prior Art

Despite the foregoing, Applicants respectfully submit that all pending claims are patentable over LeMay in any event. In order to render a claim as obvious, a reference or combination of references must teach or reasonably suggest each and every limitation of that claim. Applicants respectfully submit that LeMay has not been shown to teach or reasonably suggest every limitation of claims 1-20. In particular, each of independent claims 1, 13, 19 and 20 recites the limitation, “wherein at least a substantial portion of said [separate] custodial file is identical to at least a substantial portion of said configuration file.”

Applicants respectfully submit that LeMay has not been shown to teach or concern itself with the specific configuration process of the present invention. In particular, LeMay has not been shown to teach the use of gaming machine configuration files that are transferred from a configurator to a volatile programmable electronic device within the gaming machine, whereupon such configuration files are then compared against a *separate custodial file, wherein at least a substantial portion of such a custodial file is identical to at least a substantial portion of the configuration file* within the context of the present invention. Nothing in the referenced passages of LeMay supports the apparent conclusion that LeMay teaches or suggests the use of such a separate and substantially identical custodial file to assist in the configuration of a volatile programmable device during a machine boot process.

Rather, for a read only configuration file the Office Action points to LeMay at “column 7, line 50 – a signature portion to authenticate the extended BIOS EPROM,” and for a read only custodial file, the Office Action points to LeMay at “column 7 lines 26-27.” From these passages and their surrounding context, it appears that the Office Action has confused LeMay against that which is being claimed on several levels. With respect to these passages, LeMay generally teaches that a main BIOS EPROM may be programmed to look for an extended BIOS EPROM, and that signatures are compared within the context of authentication.

Conversely, the present claims are concerned with more than just comparing signatures, and Applicants are not claiming to have invented already known authentication processes that involve file signatures. More specifically, the present claims involve using an initial boot up configuration file, as well as a separate custodial file having a *substantial portion* that is identical to the configuration file, and not just an identical signature. Applicants respectfully submit that within the context of the present claims and specification, a comparison is made with respect to substantial portions of the actual custodial file against the actual configuration file, which substantial portions go beyond just the file signatures.

For at least the foregoing reasons, each of independent claims 1, 13, 19 and 20 are patentable over the prior art of record. Claims 2-12 depend from independent claim 1, while claims 14-18 depend from independent claim 13. As such, these claims are patentable over the prior art of record for at least the same reasons as provided above for claims 1 and 13.

CONCLUSION

Applicants respectfully submit that all claims are in proper form and condition for patentability, and accordingly request a Notification of Allowance to that effect. Appropriate consideration for a one-month petition of time fee is being submitted herewith. If such consideration is inadvertently omitted, and/or should any other fee be due in connection with this paper or for this application in general, then the Commissioner is hereby authorized to charge such fee or fees to Deposit Account No. 50-0388, referencing Docket No. IGT1P096. If there are any questions or issues remaining, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Respectfully Submitted,
BEYER WEAVER LLP

August 22, 2007

/justinwhite/
Justin A. White, Esq.
Reg. No. 48,883

P.O. Box 70250
Oakland, CA 94612-0250
(408) 255-8001